From the INTERNATIONAL BUREAU

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NOTIFICATION CONCERNING
TRANSMITTAL OF COPY OF INTERNATIONAL
PRELIMINARY REPORT ON PATENTABILITY
(CHAPTER I OF THE PATENT COOPERATION
TREATY)

(PCT Rule 44bis.1(c))

To:

BAKER, C. Hunter Patent Group Choate, Hall & Stewart LLP Two International Place Boston, MA 02110 ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year) 29 June 2006 (29.06.2006)

Applicant's or agent's file reference 2005735-0002

IMPORTANT NOTICE

International application No. PCT/US2004/042660

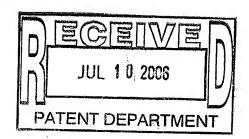
International filing date (day/month/year) 17 December 2004 (17.12.2004)

Priority date (day/month/year)
19 December 2003 (19.12.2003)

Applicant

OSIO CORP. et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)



The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Authorized officer

Dorothée Mülhausen

Facsimile No.+41 22 740 14 35

Facsimile No.+41 22 338 87 40

Form PCT/IB/326 (January 2004)

PATENT COOPERATION TREAT

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 2005735-0002	FOR FURTHER ACTION	See item 4 below
International application No. PCT/US2004/042660	International filing date (day/month/year) 17 December 2004 (17.12.2004)	Priority datc (day/month/year) 19 December 2003 (19.12.2003)
International Patent Classification (8th See relevant information in Form P		
Applicant OSIO CORP.		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i> .1(a).					
2.	This REPORT consists of a total	of 4 sheets, including this cover sheet.				
		ence to the written opinion of the International Searching Authority should be read as a reference report on patentability (Chapter I) instead.				
3.	This report contains indications	relating to the following items:				
	Box No. I	Basis of the report				
	Box No. II	Priority				
	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability				
	Box No. IV	Lack of unity of invention				
	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement				
	Box No. VI	Certain documents cited				
	Box No. VII	Certain defects in the international application				
	Box No. VIII	Certain observations on the international application				
4.		ommunicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but makes an express request under Article 23(2), before the expiration of 30 months from the priority				
		Date of issuance of this report 20 June 2006 (20.06.2006)				

Authorized officer

Telephone No. +41 22 338 87 40

Dorothée Mülhausen

Facsimile No. +41 22 740 14 35 Form PCT/IB/373 (January 2004)

The International Bureau of WIPO 34, chemin des Colombettes

1211 Geneva 20, Switzerland

C. HUNTER BAKER CHOATE, ITALL & STEWART ENGHANGE PLACE 53 STATE STREET BOSTON, MA 02109 Applicant's or agent's file reference 200573-0002 Applicant's or agent's file reference 200573-0002 PCT/USO442660 International Patent Classification (ICC) or both mitional classification and IPC INCOMPLETE ACTION Box Poor, A61K 9/00; A61F 2/00 and US Cl. 424/400, 427 Applicant OSIO CORP. 1. This opinion contains indications relating to the following items: Box No. I Besis of the opinion Box No. II Priority Box No. IV Incomplete Priority Box No. IV Incomplete Priority Box No. VII Certain descent under Rule 43bbt. 1(a)(b) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement Box No. VII Certain documents eited Box No. VIII Certain defects in the international application 2. FURTHER ACTION If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("PRA") except that this does not apply where the application of that written opinions of this International Preliminary Examining Authority ("PRA") except that this does not apply where the application of the International Preliminary Examining Authority ("PRA") except that this does not apply where the application of the IPRA are international preliminary examining to authority of the them this one to be the IPRA and the closen IPRA has notified the International Bureau under Rule 66.1bis(a) If this opinion is, as provided above, considered to be a written opinion of the IPRA and the opinion of the IPRA are international preliminary examining Authority ("IPRA") except that this does not apply where the applicate does not apply where the priority does the IPRA and the observable provided above, considered to be a written opinion of the IPRA and the observable priority of the IPRA and the observable priority of the IPRA and a preliminary examining Authority ("IPRA") except that this does not	From the INTERNATIONAL SEARCHING AUTHORITY	ERATION TREATY		
SI STATE STREET BOSTON, MA 02109 Date of mailing (day/month/pear) Proceedings of the process of the proces	To: C. HUNTER BAKER CHOATE, HALL & STEWART	PCRED 0 8 AUG 2005		
BOSTON, MA 02109 INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1) Date of mailing (alphanoth/war) (ROR RUKHER ACTION See paragraph 2 below Priority date (day/month/year) PCT/US04/42660 International application No. International Patogit Classification (IPC) or both national classification and IPC IPC(7): A61K 9/00; A61F 2/00 and US Cl.: 424/400, 427 Applicant See No. I Basis of the opinion Box No. II Priority Box No. II Priority Box No. II Non-establishment of opinion with regard to novelty, inventive step and industrial applicability in the priority seems application and applicability in the priority such statement Box No. VI Lack of tonity of invention Box No. VI Certain documents eited Box No. VI Certain defects in the international application Box No. VII Certain defects in the international application Box No. VII Certain defects in the international application FURTHER ACTION If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority (PREA') eccept that this does not apply where the applicant chooses an Authority of other than this one to be the Brila and the chosen mEA has notified the International Bureau under Rule 66.1bis (5) that written opinions of this International Scarching Authority will not be an considered. If this opinion is, as provided above, considered to be a written opinion of the International Frediminary Examining Authority will not be an considered. If this opinion is, as provided above, considered to be a written opinion of the International Frediminary Examining Authority will not be an considered. If this opinion is, as provided above, considered to be a written opinion of the International Frediminary Examining Authority will not be an considered. If this opinion is, as provided above, considered to be a written	EXCHANGE PLACE	TITO ITTITO		
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International application No.	Applicant's or agent's file reference	FOR FURTHER ACTION		
PCT/USO4/42660				
PCTUSO4/42660	International application No. International filing date	(day/month/year) Priority date (day/month/year)		
International Patent Classification (IPC) or both national classification and IPC IPC(7): AGIK 9/00; AGIF 2/00 and US Cl.: 424/400, 427 Applicant OSIO CORP. 1. This opinion contains indications relating to the following items: Box No. I Basis of the opinion		12 2004)		
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Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-8300 Telephone No. (571) 272-1600	Commissioner for Patents	Humera N. Sheikh		
Facsimile No. (571) 273-8300	Alexandria, Virginia 22313-1450	Talankana N. (531) an		
	Facsimile: No. (571) 273-8300 Form PCT/ISA/237 (cover sheet) (January 2004)	retepnone No. (S71) 272-1600		

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/42660

DOX IV	o. I Basis of this opinion
1. With	regard to the language, this opinion has been established on the basis of the international application in the language in which i
was i	iled, unless otherwise indicated under this item. This opinion has been established on the basis of a translation from the original language into the following language
	which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With inven	regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed tion, this opinion has been established on the basis of:
· a.	type of material
	a sequence listing
	table(s) related to the sequence listing
Ъ.	format of material
	in written format
	in computer readable form
C.	time of filing/furnishing
	contained in international application as filed.
•	filed together with the international application in computer readable form.
<i>:</i>	furnished subsequently to this Authority for the purposes of search.
3	In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additi	onal comments:
;	
•	SA/237(Box No. I) (January 2004)

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

Form PCT/ISA/237 (Box No. V) (January 2004)

International application No. PCT/US04/42660

Box No. V Reasoned statement tapplicability; citation	inder Rule 43 s and explana	bis.1(a)(i) wi	th regard to	novelty, inver	ntive step or in	dustrial
1. Statement	s and explain	aons sappor	mg such sta	tement	•	
•	•		10			
Novelty (N)		Claims 1-		· · ·	•	YES
	•	Claims N	JINE		•	NO
Inventive step (IS)		Claims 1-	49			YES
		Claims No	ONE			NO
Industrial applicability (l	(A)	Claims 1-	40			37770
· · · · · · · · · · · · · · · · · · ·	u 1)	Claims No	*			YES NO
•					•	
2. Citations and explanations:				***************************************		,
-	41-1 22/0\ 22/0					
Claims 1-49 meet the criteria of PCT A opthalmic condition comprising the inst	nucle 33(2)-33(3 antly claimed pr) since the prio ocess steps.	rart does not d	lisclose nor fairl	y suggest a metho	od for treating a
• •		_				
Claims 1-49 meet the criteria of PCT A	rticle 33(4) since	the claimed sy	stern has indus	strial applicabili	ty in drug deliver	y applications.
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